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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Henry F. Lada et al.	§	Group Art Unit: 2116
	§	
Serial No.: 09/722,889	§	
	§	Examiner: Paul B. Yanchus III
Filed: November 27, 2000	§	
	§	
For: Embedding and Downloading	§	Atty. Docket: COMP:0129/FLE/MAN
Handheld Option Pack Software	§	200301796-1
	§	

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 41.31 AND 41.37

This Appeal Brief is being filed in furtherance to the Notice of Appeal mailed on May 4, 2006, and received by the Patent Office on May 9, 2006.

The Commissioner is authorized to charge the requisite fee of $500.00, and any additional fees which may be necessary to advance prosecution of the present application, to Account No. 08-2025, Order No. 200301796-1/FLE/MAN (COMP:0129).

1.   **REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, L.P. (hereafter "HPDC"), a Texas Limited Partnership having its principal place of business in Houston, Texas and the Assignee of the above-referenced application. Accordingly, HPDC, as the Assignee of the above-referenced application, will be directly affected by the Board's decision in the pending appeal.

2.   **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any other appeals or interferences related to this Appeal.

3.   **STATUS OF CLAIMS**

Claims 1, 2, 4-9, 12-14, and 16-25 are currently pending, are currently under final rejection and, thus, are the subject of this Appeal. Claims 26 and 28 are allowed.

4.   **STATUS OF AMENDMENTS**

There are no outstanding amendments.

5.   **SUMMARY OF CLAIMED SUBJECT MATTER**

The present application is generally directed to techniques that allow for a partial powering of an option pack when it is first connected to a main unit, to allow the main unit to download identification information. *See* Page 23, lines 7-9. The purpose of this is to allow the main unit to determine whether there is sufficient power to operate the option pack without draining the batteries of the main unit by fully powering the option pack upon insertion. *See* Page 23, lines 11-15. To accomplish this, the option pack has two separate memories, each with a separate communications interface to the main unit. *See* Page 10, lines 5-10.

The Application contains four independent claims, namely, claims 1, 20, 26, and 28. Claims 26 and 28 have been allowed and are not the subject of this Appeal. Claims 1 and 20 have been finally rejected and are the subject of this Appeal. The subject matter of claims 1 and 20 is summarized below.

With regard to the aspect of the invention set forth in independent claim 1, discussions of the recited features of claim1 can be found at least in the below cited locations of the specification and drawings. By way of example, a method of implementing a personal digital assistant (e.g., 5) comprising a main unit (e.g., 10) and an option pack (e.g., 12) is provided. *See e.g.*, Figs. 1A-1D; page 8, line 1 – page 9, line 3. The method comprises the act of (a) coupling the option pack with the main unit, the option pack comprising a first memory device (e.g., 90) configured to store one or more applications and drivers associated with the one or more applications, and a second memory device (e.g., 104) configured to store identification data, the main unit comprising a device manager (e.g., 66) configured to receive the identification data from the second memory device, a power supply (e.g., 74), and a third memory device, wherein the first memory device is different from the second memory device. *See e.g.*, Figs. 1A-1D and 3-6; Page 10, lines 5-10; page 12, lines 16-22; page 26, lines 18-21. The method further comprises the act of (b) transmitting the identification data from the second memory device to the device manager, before the option pack is fully powered. *See e.g.*, Figs. 1A-1D and 3-6; Page 10, lines 5-10; page 12, lines 16-22; page 23, lines 7-15; page 26, lines 17-21. The method further comprises the act of (c) downloading the one or more applications and associated drivers from the first memory device to the third memory device. *See e.g.*, Figs. 3-6; Page 7, lines 8-9; page 28, lines 5-7.

With regard to the aspect of the invention set forth in independent claim 20, discussions of the recited features of claim 20 can be found at least in the below cited locations of the specification and drawings. By way of example, a method of inserting an option pack (e.g., 12) into a main unit (e.g., 10) of a personal digital assistant (PDA) (e.g., 5) is provided. The method comprises the act of (a) powering-on the main unit. *See e.g.*, Fig.

6, block 120; Page 26, lines 8-9. The method further comprises the act of (b) determining whether there is an option pack coupled to the main unit. *See e.g.*, Fig. 6, block 124; Page 26, lines 9-10. The method further comprises the act of (c) providing an interrupt signal from the option pack to the main unit. *See e.g.*, Fig. 6, block 126; Page 26, lines 10-16. The method further comprises the act of (d) interrupting the processing of the main unit. *See e.g.*, Fig. 6, block 126; Page 26, lines 10-16. The method further comprises the act of (e) notifying the main unit that the option pack is present. *See e.g.*, Fig. 6, block 128; Page 26, lines 10-16. The method further comprises the act of (f) transmitting identification information from a first memory device on the option pack to the main unit, before the option pack is fully powered. *See e.g.*, Fig. 6, block 130; Page 26, lines 17-22; *see also* page 10, lines 5-10; page 12, lines 16-22; page 23, lines 7-15; page 26, lines 17-21. The method further comprises the act of (g) downloading one or more software applications and associated drivers from a second memory device on the option pack to the main unit, wherein the first memory device is different from the second memory device. *See e.g.*, Fig. 6, block 140; Page 28, lines 1-7.

6.   **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Appellants respectfully urge the Board to review and reverse the Examiner's first ground of rejection in which the Examiner rejected claims 1, 2, 4-9, 12-14, and 16-25 under 35 U.S.C. § 103(a) as being unpatentable over Shih et al, US Patent no. 6,405,362 and Mills et al., US Patent no. 6,353,870, in view of, Kirinaka, US Patent no. 6,052,742.

7.   **ARGUMENT**

As discussed in detail below, the Examiner has improperly rejected the pending claims. Further, the Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under Section 103. Accordingly, Appellants respectfully request full and favorable consideration by the Board, as Appellants strongly believe that claims 1, 2, 4-9, 12-14, and 16-25 are currently in condition for allowance.

A.   **Ground of Rejection**

The Examiner rejected claims 1, 2, 4-9, 12-14, and 16-25 under 35 U.S.C. §

103(a) as being unpatentable over Shih in view of Mills and Kirinaka . Appellants

respectfully traverse this rejection. Each of the independent claims, as summarized above

in Section 5 of this Appeal Brief, will be discussed below. In addition, dependent claims

16, 18, 22 and 23 will be discussed together below, as will dependent claims 17, 19, 24

and 25.

1.   **Judicial precedent has clearly established a legal standard for a *prima facie* obviousness rejection.**

The burden of establishing a *prima facie* case of obviousness falls on the

Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979).

Obviousness cannot be established by combining the teachings of the prior art to produce

the claimed invention absent some teaching or suggestion supporting the combination.

ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 U.S.P.Q.

929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner

must not only show that the combination includes all of the claimed elements, but also a

convincing line of reason as to why one of ordinary skill in the art would have found the

claimed invention to have been obvious in light of the teachings of the references. *Ex*

parte Clapp, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a

selected combination to render obvious a subsequent invention, there must be some

reason for the combination other than the hindsight gained from the invention itself, i.e.,

something in the prior art as a whole must suggest the desirability, and thus the

obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d

1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

Further, it is improper to combine references where the references teach away

from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 U.S.P.Q. 769, 779 (Fed.

Cir. 1983); M.P.E.P. § 2145. Moreover, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (CCPA 1959); see M.P.E.P. § 2143.01.

2. **The Examiner's rejection of independent claims 1 and 20 is improper because the proposed modification would change the principle of operation of the prior art being modified, and thus, the Examiner has failed to establish a *prima facie* case of obviousness.**

Appellants respectfully assert that the proposed modification and combination of the Shih and Mills references to include the teachings of Kirinaka, as asserted by the Examiner, would change the principles of operation of the proposed Shih-Mills combination, as Shih and Mills teach contrastingly different intended purposes and principles of operation than Kirinaka. As summarized above, a proposed modification or combination of references is entirely improper and insufficient to support a *prima facie* case of obviousness where the proposed modification or combination would change the principle of operation of the cited reference or render the cited reference unsatisfactory for its intended purpose.

The present application is generally directed to techniques that allow for a partial powering of an option pack when it is first connected to a main unit of a personal digital assistant, to allow the main unit to download identification information. *See* specification, p. 23, ll. 7-9. The purpose of this is to allow the main unit to determine whether there is sufficient power to operate the option pack without draining the batteries of the main unit by fully powering the option pack upon insertion. *See id.* p. 23, ll. 11-15. To accomplish this, the option pack has two separate memories, each with a separate communications interface

to the main unit. *See id.*, p. 10, ll. 5-10. Accordingly, independent claims 1 and 20 each recite transmitting identification data from the option pack to the main unit "before the option pack is fully powered."

As recognized by the Examiner, the Shih reference does not disclose partially powering an option pack, much less transmitting identification data before fully powering the option pack, as recited in the present claims. To the contrary, the Shih reference discloses a system wherein insertion of a memory card into a palm-sized PC will automatically trigger an event signal that is sent from the operating system of the palm-sized PC to the shell program on the memory card. Shih, col. 6, lines 32-37. However, in the series of events that follow the insertion of a card, no partial powering of the inserted device or a configuration that would even allow such a partial powering of the memory card is disclosed by Shih. *See id.*, col. 6, line 56-col. 7, line 18. In fact, the activities disclosed for the operation in Shih make it clear that the main device has full access to the memory of the inserted device. "In response to an insertion message, event monitor 210 searches the computer-readable medium that was just inserted for an 'autorun' program 15." *Id.* col.6, lines 55-59. Shih further indicates that the unit has full access to the contents of the memory card by noting that "[e]ach version of the [autorun] program is for a particular system and/or CPU and is located in a sub-directory of the file system on the computer-readable medium containing programs and files for the particular system and/or CPU." *Id.* col.6, lines 62-67. Thus, the memory card is fully powered upon insertion into the main device, in order to allow the appropriate autorun programs to be found. The automatic execution of the autorun program upon insertion of the memory card underpins the primary and intended principal of operation of the Shih reference, such that the memory card is automatically powered upon insertion into the palm-sized PC.

As also recognized by the Examiner, the Mills reference does not disclose the partial powering of an inserted card. The Examiner merely cites the Mills reference as disclosing a second memory device on an option pack that stores identification data and is different from the first memory device. As explicitly stated in the Mills reference,

"Figs. 3A and 3B represent the prior art internal architecture of a generic MultiMediaCard and its registers." Mills, col. 2, lines 3-5. Fig. 3A is a functional block diagram of the MultiMediaCard which illustrates a number of logical components, such as a memory core, memory core interface, card interface controller and a number of registers. Fig. 3B provides a legend describing the registers illustrated in Fig. 3A. While Appellants do not necessarily agree that the MultiMedia Card of Mills is even compatible with the palm-sized PC of Shih, it is clear that at no point does the Mills reference disclose a partial powering of the MultiMediaCard, either to access the identity information or for any other purpose.

As recognized by the Examiner, "Shih and Mills do not disclose transmitting the identification data from the option pack to the main unit before the option pack is fully powered." Final Office Action, page 3. Thus, it is clear that both the Mills and Shih references teach fully powering a card or peripheral device upon insertion of the card or peripheral device. However, what has not been acknowledged by the Examiner, is that the operation of the Shih and Mills systems are based on the *automatic* and complete *powering* of the card or peripheral device. For instance, the Shih reference is *automatically* powered upon insertion of the peripheral device to power the autorun program. The Examiner cites the Kirinaka reference as disclosing transmitting identification data before the device is fully powered. Following insertion of an expansion card an information section of the card is read prior to powering the card. *Id.* col.3, lines 47-57. While the Kirinaka reference may disclose transmitting maximum voltage levels from a peripheral device upon insertion, to ensure that the peripheral device is not damaged by supplying an incorrect supply voltage, modifying the Shih reference in such a way would clearly change the principle of operation of the Shih system. That is, Shih reference teaches automatically applying full power to a device upon insertion such that the autorun program is initialized and executed.

Indeed, as indicated in the title and abstract of the Shih reference, it clear that Shih is directed to "automatic software installation" of software applications onto a palm-size PC when a Compact Flash card is inserted into a slot in the palm-size PC. *See e.g.*, Shih, Title, Abstract and Summary of the Invention. The Examiner's suggestion to combine Mills with Shih and then modify the proposed Mills-Shih combination such that there is only a partial powering of the option pack, such that identification information can be transmitted would clearly change the principal of operation of the proposed combination. Appellants stress that the automatic nature of the software installations taught by the Shih reference is at the very essence of the Shih invention. One skilled in the art, when presented with the Shih reference would *not* be motivated to perform a partial powering of the option pack (Compact Flash card of Shih), as it would strip away the very core of the Shih teachings. Indeed Appellants would even suggest that the partial powering taught by Kirinaka is inconsistent and incompatible with the teachings of Kirinaka.

In view of the contrasting principles of operation, the Examiner's proposed combination of the primary and secondary references is absolutely improper and cannot stand. The combination of the Kirinaka reference with the teachings of the Mills and Shih references would require substantial reconstruction and redesign of the elements of the Shih and Mills references, as well as change the basic principles under which they were designed to operate. In view of these incompatible principles of operation, the cited references cannot be combined and the Examiner's rejection is improper.

3. **The Examiner's rejection of dependent claims 16, 18, 22 and 23 is improper because the Examiner failed to establish a *prima facie* case of obviousness.**

Notwithstanding the arguments above, directed to independent claims 1 and 20, Appellants further assert that claims 16, 18, 22 and 23 are also allowable for the subject matter further recited in these dependent claims. Claims 16, 18, 22 and 23 are directed to

"determining whether the power supply in the main unit has enough power to activate the option pack fully." As discussed in the specification of the application, in accordance with one embodiment, "the option pack interface 12a invokes a device manager such as a micro-controller 66 on the main unit 10 that interrogates the option pack 12 on its features without significantly impacting battery life." Page 25, lines 17-20. "If there is not enough power on the main unit 10 to power the option pack 12, the option pack 12 is not enabled." Page 27, lines 8-11. Accordingly, unlike prior art devices, in accordance with the embodiments of the invention recited in claims 16, 18, 22 and 23, upon insertion of the option pack, the option pack is only partially powered such that, among other things, a battery check can be performed to ensure that there is indeed enough battery life to fully power the option pack, with completely draining the battery on the main unit.

With regard to these claims, the Examiner asserted that checking the battery life on a main unit before fully powering an option pack is notoriously well known in the art. Appellants respectfully disagree. In support of the Examiner's position, the Examiner cited three references to demonstrate that such a battery-life check was indeed will known in the art. Appellants also respectfully assert that the additional references cited by the Examiner in support of allegedly "notoriously well known" facts, Yamagata (U.S. Patent No. 6,609,072) and Hayasaka (U.S. Patent No. 5,845,142) do not obviate the previously discussed deficiencies of the Shih, Mills, and Kirinaka references, either alone or in combination, as discussed below. Additionally, no suggestion to combine these references with the previously discussed references can be found in any of the cited references.

Yamagata is cited by the Examiner as an example of "a method of determining whether a battery has enough remaining capacity to carry out an input or output of data and allowing the input or output of data execute if the remaining capacity is sufficient." Office Action mailed April 4, 2005, pages 8-9. However, no partial powering of a newly attached device is disclosed in the Yamagata reference. Further, the Yamagata reference is directed to stopping the communication function of a terminal device if the battery

powering the terminal device drops below a certain level. The Yamagata reference does not disclose checking the available power on the terminal device before allowing the terminal device to power another device (such as an option pack) being plugged into the terminal device. Thus, the Yamagata reference does not disclose the elements necessary to support the Examiner's rejection based on the Shih reference. Further, Appellants submit that none of the references provides a motivation to combine the references in the manner recited in the present claims.

Hayasaka is also cited as an example of a battery-life check. Specifically, the Hayasaka reference is cited by the Examiner as an example of "comparing a residual battery capacity with a power necessary for communication and allowing the communication if the battery capacity is high enough." Office Action mailed April 4, 2005, pages 8-9. Hayasaka discloses powering down units irrelevant to the operation involved to allow more power to be used for the operation. *See* Hayaska, col. 1, line 46-col. 2, line 9. However, Hayasaka does not disclose partially powering up a newly attached option pack to determine its power requirements prior to fully powering the option pack. Further, Appellants submit that none of the references provides a motivation to combine the references in the manner recited in the present claims. Accordingly, Appellants respectfully submit that the Examiner's rejection is in error and that claims 16, 18, 22 and 23 are further allowable for this additional reason.

4.   **The Examiner's rejection of dependent claims 17, 19, 24 and 25 is improper because the Examiner failed to establish a *prima facie* case of obviousness.**

In addition to the battery-life check upon insertion of the option pack into the main unit, and before fully powering the option pack, embodiments of the present invention also include performing a memory capacity check to make sure there is enough memory on the main unit to store the applications and drivers from the option pack. "The main unit 10 may then determine whether it has enough memory space to download the

applications present on the option pack 12." Page 27, lines 20-22. Once the device manager obtains the information regarding the drivers and applications and determines that there is sufficient memory to accommodate the applications and drivers which are present on the option pack, the applications and drivers can be downloaded onto the main unit. Page 27, line 22 – page 28, line 10. Accordingly, dependent claims 17, 19, 24 and 25 each recite "determining whether the third memory device on the main unit has enough memory capacity to receive the applications and associated drivers stored on the first memory device of the option pack." In contrast with prior art devices, this allows a check to be performed, such that the entire memory on the main unit is not depleted beyond capacity.
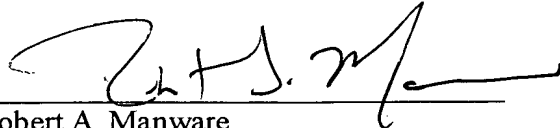
In support of his contention that this is notoriously well-known, the Examiner cited Otsuka et al (U.S. Patent No.6,201,701) as an example of "verifying that a disk has enough memory capacity to store all data to be downloaded before downloading the data from another memory." Office Action mailed April 4, 2005, page 9. Otsuka discloses a system for obtaining a recording medium from a remote terminal. *See* Otsuka, col. 1, line 66-col. 2, line 6. Regardless of whether Otsuka teaches a memory capacity check, Appellants respectfully submit that there is no motivation in Otsuka or the Shih reference for combining these disparate teachings for use in a PDA, or other portable terminal, in the manner recited in the present claims. Accordingly, Appellants respectfully submit that the Examiner's rejection is in error and that claims 17, 19, 24 and 25 are further allowable for this additional reason.

Conclusion

Appellants respectfully submit that all pending claims are in condition for allowance. However, if the Examiner or Board wishes to resolve any other issues by way of a telephone conference, the Examiner or Board is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: __July 10, 2006__

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8.   **APPENDIX OF CLAIMS ON APPEAL**

1. A method of implementing a personal digital assistant comprising a main unit and an option pack comprising the acts of:

    (a)   coupling the option pack with the main unit, the option pack comprising a first memory device configured to store one or more applications and drivers associated with the one or more applications, and a second memory device configured to store identification data, the main unit comprising a device manager configured to receive the identification data from the second memory device, a power supply, and a third memory device, wherein the first memory device is different from the second memory device;

    (b)   transmitting the identification data from the second memory device to the device manager, before the option pack is fully powered; and

    (c)   downloading the one or more applications and associated drivers from the first memory device to the third memory device.

2. The method of implementing a personal digital assistant, as set forth in claim 1, wherein act (a) comprises coupling the option pack with the main unit via a 100-pin connector.

4. The method of implementing a personal digital assistant, as set forth in claim 1, wherein the device manager comprises a driver to oversee the main unit and the option pack interaction.

5. The method of implementing a personal digital assistant, as set forth in claim 1, wherein the first memory device comprises a flash memory or a read only memory (ROM).

6. The method of implementing a personal digital assistant, as set forth in claim 1, wherein the second memory device comprises an electrically erasable programmable read only memory (EEPROM).

7. The method of implementing a personal digital assistant, as set forth in claim 1, wherein the third memory device comprises no applications and associated drivers prior to the act of downloading the applications and associated drivers from the first memory device to the third memory device.

8. The method of implementing a personal digital assistant, as set forth in claim 1, wherein the third memory device is configured to temporarily store one or more applications and associated drivers.

9. The method of implementing a personal digital assistant, as set forth in claim 8, wherein the third memory device is configured to store the one or more applications and associated drivers temporarily, the one or more applications being received from the first memory device.

12. The method of implementing a personal digital assistant, as set forth in claim 10, wherein the act of separating the option pack from the main unit comprises the act of removing the one or more applications and associated drivers from the third memory device.

13. The method of implementing a personal digital assistant, as set forth in claim 1, wherein the identification data comprises option pack feature information, option pack configuration, and option pack identification.

14. The method of implementing a personal digital assistant, as set forth in claim 1, wherein act (b) comprises the act of transmitting the identification data through a serial interface.

16. The method of implementing a personal digital assistant, as set forth in claim 1, comprising the act of determining whether the power supply in the main unit has enough power to activate the option pack fully.

17. The method of implementing a personal digital assistant, as set forth in claim 1, comprising the act of determining whether the third memory device on the main unit has enough memory capacity to receive the applications and associated drivers stored on the first memory device of the option pack.

18. The method of implementing a personal digital assistant, as set forth in claim 14, wherein act (c) occurs after the device manager has determined that there is enough power in the power supply of the main unit to activate the option pack fully.

19. The method of implementing a personal digital assistant, as set forth in claim 1, wherein act (c) occurs after the device manager has determined that the third memory device on the main unit has enough memory capacity to receive the applications and associated drivers stored on the second memory device.

20. A method of inserting an option pack into a main unit of a personal digital assistant (PDA), comprising the acts of:

(a)   powering-on the main unit;

(b)   determining whether there is an option pack coupled to the main unit;

(c)   providing an interrupt signal from the option pack to the main unit;

(d)   interrupting the processing of the main unit;

(e)   notifying the main unit that the option pack is present;

(f)   transmitting identification information from a first memory device on the option pack to the main unit, before the option pack is fully powered; and

(g)   downloading one or more software applications and associated drivers from a second memory device on the option pack to the main unit, wherein the first memory device is different from the second memory device.

21. The method, as set forth in claim 20, comprising the act of hot-plugging the option pack into the main unit.

22. The method, as set forth in claim 20, comprising the act of determining whether the main unit has enough power to enable the option pack.

23. The method, as set forth in claim 22, comprising the act of notifying a user as to whether the main unit has enough power to enable the option pack.

24. The method, as set forth in claim 20, comprising the act of determining whether the main unit has enough memory to store the applications and drivers available on the option pack.

25. The method, as set forth in claim 24, comprising the act of notifying a user as to whether the main unit has enough memory to store the applications and drivers available on the option pack.

26. A method of removing an option pack from a main unit of a personal digital assistant (PDA), wherein one or more applications and associated drivers have been downloaded to the main unit for use by the main unit, comprising the acts of:

(a)   de-activating one or more signals configured to detect the presence of the option pack in the main unit;

(b)   disabling control buffers;

(c)   terminating the functionality of the one or more applications running on the main unit; and

(d)   uploading the one or more applications and associated drivers from the main unit to the option pack.

28. A method of implementing a personal digital assistant comprising a main unit and an option pack comprising the acts of:

(a)   coupling the option pack with the main unit, the option pack comprising a first memory device configured to store one or more applications and drivers associated with the one or more applications, and a second memory device configured to store identification data, the main unit comprising a device manager configured to receive the identification data from the second memory device, a power supply, and a third memory device, wherein the first memory device is different from the second memory device;

(b)   transmitting the identification data from the second memory device to the device manager;

(c)   downloading the one or more applications and associated drivers from the first memory device to the third memory device; and

(d)   separating the option pack from the main unit, wherein separating the option pack from the main unit comprises uploading the one or more applications and associated drivers from the third memory device to the first memory device.

9.   **APPENDIX OF EVIDENCE**

None.

10.   **<u>APPENDIX OF RELATED PROCEEDINGS</u>**

None.

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PATENT APPLICATION

ATTORNEY DOCKET NO. __200301796-1__

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Henry F. Lada et al.

Confirmation No.: 6088

Application No.: 09/722,889

Examiner: Paul B. Yanchus III

Filing Date: November 27, 2000

Group Art Unit: 2116

Title: **Embedding and Downloading Handheld Option Pack Software**

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PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on ___May 4, 2006___.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120   ☐ 2nd Month $450   ☐ 3rd Month $1020   ☐ 4th Month $1590

☐ The extension fee has already been filed in this application.

☐(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of ___$ 500___. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Date of facsimile: July 10, 2006

Typed Name: Marcie Alsbury

Signature:

Respectfully submitted,

Henry F. Lada et al.

By

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Rev 10/05 (AplBrief)